

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DROPLETS, INC.

§

§

v.

§

Case No. 2:11-CV-401-JRG

§

OVERSTOCK.COM, INC., ET AL.

§

**MINUTES FOR JURY SELECTION/TRIAL DAY 1
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
January 13, 2015**

OPEN: 8:58 a.m.**ADJOURN: 5:54 p.m.**

ATTORNEYS FOR PLAINTIFF:

Sam Baxter
Ted Stevenson
Josh Budwin
James Quigley
Jenna Albert

ATTORNEYS FOR DEFENDANTS:

Richard Whiteley
John Barr
Gil Gillam
Chris Shield
Kelley Clark
Tim Geiger

LAW CLERKS:

Rudy Fink
Craig Walter

COURT REPORTER:

Shelly Holmes, CSR-TCRR

COURTROOM DEPUTY:

Jan Lockhart

TIME	MINUTES
8:58 a.m.	Court opened. Introductory remarks by the Court.
9:06 a.m.	Announcements made by the parties. Ted Stevenson introduced co-counsel for Plaintiff. Gil Gillam introduced co-counsel for Defendants.
9:08 a.m.	Instructions given by Court.
9:15 a.m.	Jury selection began.
9:38 a.m.	Voir dire by Mr. Stevenson.
10:19 a.m.	Voir dire by Mr. Gillam.
10:56 a.m.	Bench conference re jury strikes.

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TIME	MINUTES
11:00 a.m.	Break for attorney strikes.
11:26 a.m.	Court reconvened.
11:31 a.m.	Jury sworn.
11:39 a.m.	Jury excused for lunch.
12:41 p.m.	Court hearing outside the presence of the jury re exhibits and slides.
12:42 p.m.	Mr. Stevenson requested that the rule be invoked including expert witnesses. Witnesses sworn.
12:46 p.m.	Jury returned to courtroom. Preliminary instructions given to the jury by the Court.
1:13 p.m.	Jury notebooks handed out and reviewed with Court.
1:17 p.m.	Announcements by parties.
1:18 p.m.	Opening statement by Mr. Stevenson for Plaintiff.
1:42 p.m.	Opening statement by Mr. Barr for Defendants.
2:05 p.m.	Direct examination by Mr. Josh Budwin of Mr. Philip Brittan.
2:38 p.m.	Bench conference.
2:39 p.m.	Direct examination continued.
2:51 p.m.	PX 8 used.
3:00 p.m.	Jury excused for break.
3:17 p.m.	Court reconvened. Jury returned to the Courtroom. Cross examination by Mr. Barr of Mr. Brittan.
3:18 p.m.	PX 98 used
3:26 p.m.	DX 16 used.
3:31 p.m.	Redirect examination of Mr. Brittan by Mr. Budwin PX 1-3, Video PX 460 used.
3:33 p.m.	DTX-016 used
3:35 p.m.	Witness excused.
3:36 p.m.	Direct examination of Dr. David Martin by Mr. Budwin.
3:39 p.m.	Bench conference.
3:49 p.m.	PX 658 used.
3:51 p.m.	PX 654 used.
3:53 p.m.	PX 657 used.
3:55 p.m.	PX 652 used.
	PX 648 used.
3:57 p.m.	Wipe board used.
4:17 p.m.	Witness returned to seat.
4:19 p.m.	Claim chart used for '115 patent claim 25.
4:21 p.m.	PX 3 used.
4:28 p.m.	PX465.1 used.

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TIME	MINUTES
4:29 p.m.	PX 464.1 used.
4:33 p.m.	PX 464.2 used.
4:51 p.m.	PX 465.3 used.
4:52 p.m.	PX 464.4 used.
4:53 p.m.	PX 464.5 used.
4:54 p.m.	PX 464.6 used.
5:10 p.m.	Bench conference.
5:11 p.m.	'115 Claims 1 & 2 discussed.
5:15 p.m.	'115 Claims 12 & 24 discussed.
5:17 p.m.	'838 Claims 1 & 2 discussed.
5:27 p.m.	'745 Claim 1 discussed.
5:31 p.m.	Sekhar deposition page 177:21 – 178:5 shown.
5:37 p.m.	PX465 exhibits discussed. PX 464 exhibits discussed.
5:51 p.m.	PX 459 used.
	PX 458 used.
5:53 p.m.	Jury excused until 8:15 a.m. Will start at 8:30 a.m.
5:54 p.m.	Court will be here at 7:30 a.m. Parties to read in exhibit numbers used prior day.